

REMARKS**Summary of the Office Action**

In the Office Action dated July 15, 2004, claims 1-3, 6-9, 11, 12, and 16-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaung (US 6,512,850) in combination with Desai et al. (US 6,072,904).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaung and Desai et al., in further combination with Lim (US 6,574,368).

Claims 10 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaung and Desai et al., in further combination with Hutcheson (US 5,161,204).

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaung and Desai et al., in further combination with Sato et al. (JP 11-136573).

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaung and Desai et al., in further combination with Craver et al. (US 6,233,367).

Claims 1, 2, 4, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Craver et al.

Claims 1-2, 6, 17-18, and 21 stand objected to because of the informalities.

Summary of Response to the Office Action

Applicant has amended claims 1 and 21-22 to further define the invention, and has amended claims 2, 6 and 17-18 in accordance with the Examiner's comments. Accordingly, claims 1-22 are presently pending for consideration.

Objection of Claims 1-2, 6, 17-18, and 21

Claims 1-2, 6, 17-18, and 21 stand objected to because of informalities.

In accordance with the Examiner's suggestion, Applicant has amended claims 1-2, 6, 17-18, and 21 to correct the alleged informalities. Applicant respectfully submits that the amendments to claims 1-2, 6, 17-18, and 21 do not narrow the intended scope of the claims, and therefore, Applicant does not intend to relinquish any subject matter by these amendments. Accordingly, Applicant respectfully submits that objections of claims 1-2, 6, 17-18, and 21 be withdrawn.

All Claims Define Allowable Subject Matter

Rejections of Independent claims 1 and 21-22

In the Office, claims 1-3, 6-9, 11, 12, and 16-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaung in combination with Desai et al., and claims 1, 2, 4, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Craver et al.

Applicant respectfully traverses the rejection of all claims, and respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

Independent claim 1, as amended, recites an image data sorting device including in part, "a characteristic value extraction unit that extracts characteristic values of an image data piece from image data pieces, wherein the image data piece is converted into a color space L^*a^*b and thereafter characteristic values are extracted." Similarly, independent claim 21, as amended, recites an image data sorting method including in part, "extracting characteristic values of an image data piece from image data pieces, wherein, the image data piece is converted into a color space L^*a^*b and thereafter characteristic values are extracted." Moreover, independent claim 22, as amended, recites an image data sorting method including in part, "extracting n types of

characteristic value vectors, wherein the image data piece is converted into a color space L^*a^*b and thereafter characteristic values are extracted.” Applicant respectfully submits that at least these features of amended independent claims 1 and 21-22 are neither taught nor suggested in any of the applied prior art, whether taken singly or combined. Applicant respectfully submits that supporting description for an amended feature is found in page 6, line 24 to page 7, line 2 of Specification.

The Office Action alleges that Yaung discloses (col. 3, line 49, FIG. 3, item 308), an image data sorting device comprising a characteristic value extraction unit that extracts a characteristic value of an image data piece from the image data piece. However, Yaung is completely silent with regard to a color space L^*a^*b from which the characteristic values are extracted. Furthermore, the Office Action alleges that Craver et al. teaches (col. 8, line 39), a sorting register structure to place the images in an order of similarity/dissimilarity from a center image.

In contrast to Craver et al., the present invention describes a feature of “a sorting register unit that automatically sorts the plural image data pieces on the basis of a result of clustering by the clustering unit.” The result of clustering by the clustering unit directly refers back to the characteristic values extracted from a color space L^*a^*b converted from the image data piece. Applicant respectfully submits that Craver et al. is also completely silent about characteristic values extracted from a color space L^*a^*b converted from the image data piece.

As instructed in MPEP §2143.03, “[t]o establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 4980 F.2d 981, 180 USPQ 580 (CCPA 1974).” Accordingly, Applicant respectfully submits that Desai et al., Lim, Hutcheson, Sato et al., and Craver et al. whether taken singly or combined fail

are in condition for allowance as Yaung in view of Desai et al., Lim, Hutcheson, Sato et al., and Craver et al. does not render the claims obvious. Thus, Applicant respectfully requests that the rejection of amended independent claims 1 and 21-22 under 35 U.S.C. §103(a) be withdrawn. Furthermore, Applicant respectfully submits that in light of argument presented above, dependent claims 2-20 are allowable for all of the reasons discussed above with regard to independent claim 1 from which they respectfully depend, as well as the individual features each of dependent claims 2-20 recite.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: October 12, 2004

Customer No. 09629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001

By: Mary Jane Boswell
Mary Jane Boswell
Registration No. 33,652